

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CATINA WASHINGTON

PLAINTIFF

VS.

CIVIL ACTION NO. 1:23-cv-370-HSO-BWR

BURL CAIN, et al.

DEFENDANTS

DEFENDANTS' MOTION TO DISMISS

COME NOW, Defendants, Burl Cain, John Hunt, Jeworski Mallett, Timothy Barnes, Russell Houston, Anthony Beasley, and Jennifer Roberts (Collectively "Defendants"), by and through counsel, and file this Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and in support thereof would show unto the Court the following:

1. Plaintiff, Catina Washington, brings this pro se suit against Defendants pursuant to 42 U.S.C. Section 1983, alleging her constitutional rights were violated. Plaintiff's suit stems from an incident that occurred while she was a case manager at South Mississippi Correctional Facility ("SMCF"). She claims that she was attacked by an inmate and that she sustained injuries resulting in surgery.

2. Plaintiff generally alleges that she was denied the "right to be heard" and that she is a victim of the "right to prosecute." She then vaguely alleges that the investigations were improperly done and that such acts constitute a "cover-up."

3. Plaintiff brings suit against Defendants in their individual capacities under Section 1983, but ultimately fails to allege any cognizable constitutional claims. Specifically, Plaintiff alleges no personal involvement by Defendants or any constitutional violation by Defendants. Both are required to bring a valid claim under Section 1983. *See Whitley v. Hanna*, 726 F.3d 631, 638 (5th Cir. 2013). As a result, Defendants are shielded by qualified immunity.

4. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the Memorandum in Support of Motion to Dismiss, being filed contemporaneously herewith.

5. Based on the grounds asserted herein and as further set forth in the memorandum of authorities, Defendants are entitled to dismissal under Fed. R. Civ. P. 12(b)(6).

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court make and enter its Order granting their motion and dismissing Plaintiff's Complaint with prejudice.

THIS the 18th day of June 2024.

**BURL CAIN, JOHN HUNT, JEWORSKI
MALLETT, TIMOTHY BARNES, RUSSELL
HOUSTON, ANTHONY BEASLEY and
JENNIFER ROBERTS, *Defendants***

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system, and that I have this day caused to be mailed, via United States Postal Service, first class postage prepaid, a true and correct copy of the foregoing document in the above-styled and numbered cause to the following:

Catina Washington
P. O. Box 1455
Lucedale, MS 39452

This the 18th day of June 2024.

/s/ La'Bria M. Barnes